THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.1119 OF 2005

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ORAL ORDER:

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This Writ Petition is filed seeking a Writ of Mandamus directing the respondents not to dispossess the members of the petitioner-association from the temple premises to an extent of 500 sq. yards in Sy.No.100 situated at Cherukupally Colony, Quthubullapur village and Mandal, Ranga Reddy district, without following due process of law.

The petitioner claims to be an association registered on 28.12.2005 under the provisions of the A.P. Societies Registration Act, 2001, purportedly with an object to develop Sri Rama Temple at Cherukupally and to carry on social and cultural programmes with no profit motive. It is stated that previously the temple was being managed by United Welfare Society. However, the people in the colony nominated a temple development association and the same was registered and now the petitioner-association and the people of the colony have been participating in the day to day *poojas*, including festivals and marriages in the temple. It is alleged that the 3rd respondent without any manner of right attempted to occupy the surrounding land of the temple on 31.12.2005 with the help of anti-social elements to grab the temple land, which was resisted by the petitioner-association. That apart, the petitioner-association submitted a representation to the District Collector, Ranga Reddy District requesting to take action against the land grabber and to provide necessary security to protect the temple. Copies of the said representation dated 31.12.2005 were also submitted to the respondents 1 and 2 i.e., Commissioner of Police, Cyberabad and the Inspector of Police, Jeedimetla Police Station, Cyberabad. However, the 2nd respondent, on the said representation, endorsed that their claim was totally false. The petitioner contends that the 2nd respondent was not justified in coming to such a conclusion without making necessary investigation. It is also alleged that the 2nd respondent instead of providing necessary protection to the temple land, has been threatening to remove the temple itself forcibly at the instance of the 3rd respondent. As a matter of fact, the name plate of the temple was removed

on 5.1.2006. Hence, this Writ Petition contending that the action of the respondents 1 and 2 in attempting to dispossess the members of petitioner-association from the temple premises without following due process of law, is arbitrary and illegal.

The Inspector of Police, Jeedimetla filed a counter-affidavit on behalf of respondents 1 and 2 stating that the 3rd respondent lodged a complaint in Jeedimetla Police Station claiming that he is the owner of plot Nos.120 and 121 in Sy.Nos.110 of 110 of Cherukupalli colony, Quthbullapur Mandal, having purchased the same in the year 1980. However, since he being a Government employee, he could not stay at Hyderabad from 1998 onwards and by the time he returned, it was found that an area of about 40 sq. yards was occupied, wherein a temple was constructed. That apart, the occupants prepared forged documents and have been attempting to occupy the entire land. On the basis of the said complaint, an entry was made in the General Diary dated 25.12.2005 and preliminary enquiry was conducted. In the enquiry, it was found that the 3rd respondent is the real owner of the land in question. While so, the petitioner-association made a representation to the District Collector, Ranga Reddy District on 31.12.2005, marking copies to respondents 1 and 2 requesting the authorities to take immediate action against the land grabbers, who are attempting to occupy the land of the temple. Since by that time preliminary enquiry was already conducted into the allegations, the 3rd respondent endorsed on the petitioner's complaint that their claim was false. On 6.2.2006, the 3rd respondent lodged another complaint alleging that the petitioner and its members have encroached upon the land and threatened him with dire consequences. Basing on the said complaint, crime No.88/2006 under Sections 468 and 420 of the Indian Penal Code was registered and investigated into. During the course of investigation the complainant was examined, his statement was recorded, the scene of offence was visited, a panchanama was prepared and the investigation is still going on. It is submitted that as soon as the investigation is completed, appropriate report would be filed before the competent Court of law. Other allegations made by the petitioner that the respondents 1 and 2 have been attempting to remove the temple and its belongings; and that they removed the name plate of the temple on 5.01.2006 and the other allegations of interference by respondents 1 and 2 have been categorically denied. It is further stated that since both the petitioner and the 3rd respondent are making rival claims, and particularly since the title of the temple land is in dispute, it is difficult to provide protection.

A separate counter-affidavit has been filed by the 3rd respondent on the same lines stating that he is the owner of the land in question having purchased the same in the year 1980 and during his absence the same was occupied by the petitioner-association.

Having heard the learned counsel for the petitioner and the learned counsel appearing for the respondents, it is clear that the dispute between the petitioner-association and the 3rd respondent is purely of civil nature, involving several disputed questions of facts, which do not deserve adjudication in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Hence, without expressing any opinion as to the rival claims made by the petitioner and the 3rd respondent either with regard to the title to or possession over the property in question, it is left open to the parties to work out appropriate common law remedy for redressal of their grievance, if any.

So far as the allegations against respondents 1 and 2 are concerned, all the said allegations are categorically denied in the counter-affidavit. That apart, on the basis of the complaint lodged by the 3rd respondent, the 2nd respondent registered Crime No.88/2006 and the investigation is going on. In the circumstances, I deem it appropriate to dispose of the Writ Petition recording the statement of respondents 1 and 2 that they are not interfering with the land in question and with a direction to complete the investigation in Cr.No.88/2006 expeditiously and to file appropriate report before the competent Court of law in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

9th March, 2006.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.1119 OF 2005

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9th March, 2006.

Sri Rama Temple Development Association,

Reg. No.2120/2005, H.No.49-141, Cherukupally

Colony, Phase-I, Quthullahpur Municipality,

Ranga Reddy District, represented by its

President M. Ramulu Goud. .. Petitioner.

And

The Commissioner of Police,

Cyberabad at Lakadi-ka-pool, Hyderabad

And two others. ..Respondents.